

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional)

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (571) 273-8300

By Fax

NOTE: This is a second petition  
The first dated March 7, 2011  
was rejected for absence of signature

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 5871034

Application Number 08520711

Issue Date 1999-02-16 (Feb 16, 1999)

Filing Date 1995-8-29 (Aug 29, 1995)

**CAUTION:** Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

11/10/2011 CKHLOK 00000000 5871034

The above - identified patent

☐

Is a reissue of original Patent No. \_\_\_\_\_

01 FC:2553

2055.00

02 FC:1558

1640.00

original issue date \_\_\_\_\_

400.00

original application number \_\_\_\_\_

original filing date \_\_\_\_\_

Refund Ref:

11/10/2011 CKHLOK

0000174968

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application

CHECK Refund Total: \$200.00

filed on \_\_\_\_\_

**CERTIFICATE OF MAILING (37 CFR 1.89(a))**

I hereby certify that this paper (\*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class main in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

October 10, 2011  
Date

[Signature]  
Signature

Alan Summer  
Typed or Printed Name of Person Signing Certificate

Adjustment date: 11/10/2011 CKHLOK  
03/10/2011 DALLEN 00000004 5871034

[page 1 of 3]

01 FC:1559

-3695.00 OP

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Adjustment date: 11/10/2011 CKHLOK  
10/21/2011 DALLEN 00000020 5871034  
01 FC:1559

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

-600.00 OP

1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input checked="" type="checkbox"/> \$ Paid Earlier	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ (Paid Earlier)

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1640 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ Paid Earlier

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ \_\_\_\_\_

☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_

☒ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. \_\_\_\_\_

7. OVERPAYMENT

As to any overpayment made please

OR

☐

Credit to Deposit Account No. \_\_\_\_\_

☒

Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

*This is a resubmission after denial due to absence of signature*  
The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

*Glen Sumner*  
Signature(s) of Petitioner(s)

*October 10, 2011*  
Date

Glen Sumner

Typed or printed name(s)

Registration Number, if applicable

(713) 973 7285

Telephone Number

8306 Leafy Lane, Houston Texas 77055

Address

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

☐

Maintenance Fee Payment

☐

Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

☒

I enclose \$400.00 as set out in 37 CFR 1.17(f) [per your letter sent June 17, 2011]

I enclose \$280.00 (in addition to above) and attach a Petition for a 2 month extension of time.

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND					5871034						
1 Date of Request: _____		2 Serial/Patent # <u>08/520/11</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time		10/17/11	\$ 680.00							
	Notice of Appeal/Appeal			\$							
	Petition			\$							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
		7 TOTAL AMOUNT OF REFUND		# 280.00							
				\$ 680.00							
10 REASON:		8 TO BE REFUNDED BY:									
	Overpayment	<input checked="" type="checkbox"/> Treasury Check									
	Duplicate Payment	Credit Deposit A/C #:									
	<input checked="" type="checkbox"/> No Fee Due (Explanation):	9 <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>									
<p style="font-size: 1.1em; margin: 0;">paid unnecessary EUT fee</p>											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: _____		Joan Olszewski		TITLE: _____							
SIGNATURE:				PHONE: _____							
OFFICE: _____		Office of Petitions									
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED:				DATE: <u>11/10/11</u>							

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: